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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,275	04/22/2004	Kazuaki Suzuki	1551-0155PUS1	6464
2292 7590 07/10/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER WINDELL, MARK R				
ART UNIT 3635		PAPER NUMBER		
NOTIFICATION DATE 07/10/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/829,275

Applicant(s)

SUZUKI ET AL.

Examiner

MARK R. WENDELL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Applicant Arguments, filed 6/16/08, with respect to claims 1-32 have been fully considered and are persuasive. The final rejection of claims 1-32 has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-9, 12-17, 19-21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Reetz (US 4957186). Regarding claims 1 and 13, Reetz illustrates in Figure 2 a building comprising a structural member (14 and 22); and

A joint structure, comprising:

- A gusset plate (34), said gusset plate being formed from a flat plate having first and second opposed faces; and
- A plurality of splice plates (52) connected to said gusset plate (34), each of said plurality of splice plates being constructed from section steel having a non- rectangular cross-section, at least one of said plurality of

splice plates (52) having a face in direct contact with the first opposed face of said gusset plate and at least another of said plurality of splice plates having a face in direct contact with the second opposed face of said gusset plate.

Regarding claims 2 and 14, Reetz illustrates in Figures 1-4 the gusset plate connected to a first structural member (14 or 104) and the plurality of splice plates connected to a second structural member (22).

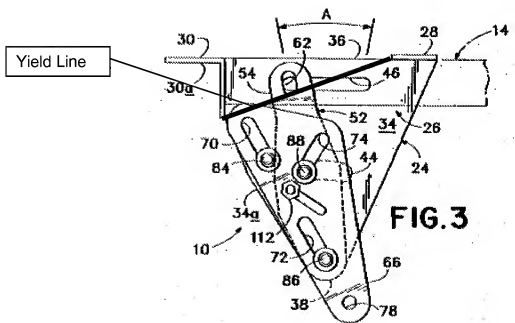
Regarding claims 3-4 and 15-16, Reetz illustrates in Figures 1 and 2 the first gusset plate (34) being connected to a second gusset plate (66). The examiner notes that the first gusset plate (34) is always in a vertical position, but the second gusset plate (66) can be moved and manipulated into a vertical or horizontal position due to the connection of the plate to the first gusset plate and the splice plates.

Regarding claims 5 and 17, Reetz illustrates the splice plates (52) having a non-rectangular cross section.

Regarding claims 7 and 19, Reetz illustrates in Figure 2 the gusset plate (34) including a rib (28) connected to the top edge and vertical upright edge.

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Regarding claims 8 and 20, Reetz illustrates in Figure 2 the gusset plate (34) including a first joining plate (30) connected to a first edge thereof and a second joining plate (28) connected to a second edge thereof, and at least one of said plurality of splice plates (52) extends toward a corner of the gusset plate (See Figures 3 and 4) beyond a yield line of the gusset plate to increase the buckling strength of the gusset plate, said yield line being formed by a diagonal line extending from an edge of the first joining plate to an edge of the second joining plate.



Regarding claims 9, 12, 21 and 24, Reetz illustrates in Figure 2 the gusset plate including first and second opposed faces and first and second ends with the end being connected by an edge (any closed, solid structure fits this) and the ends having a rib

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connected thereto (28 and 30) with the first and second faces having no stiffening ribs connected thereto.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10-11, 18, 22-23 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reetz (US 4957186). Regarding claims 6 and 18, Reetz does not distinctly specify the location where the joint structure is formed; however the joint structure assembled by Reetz exhibits the structural limitations set forth by the claims.

Regarding claims 10-11 and 22-23, Reetz illustrates in Figure 2 reinforcing ribs (108 and 109) on the structural member (104). When assembled (see Figure 1), the reinforcing ribs are connected to the gusset plate (34) via the structural member (104) and do not cross the yield line (as shown in the Figure above). Reinforcing rib 109 stays above the yield line while one of the reinforcing ribs 108 stays below the yield line.

Regarding claims 25-32, the structural limitations of Reetz as described above would make the method of assembling the joint structure of the building obvious.

Regarding claim 26, Reetz does not use any onsite welding.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK R. WENDELL whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/
Supervisory Patent Examiner, Art Unit
3635

/M. R. W./
Examiner, Art Unit 3635
June 23, 2008